**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1643 OF 2006

Shri. Ashok Shantaram Gole. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr.A.P.Mundergi, Sr.Advocate i/by Advocate Prashant Badale for the Applicant.

Mr.Y.S.Shinde, APP. for the State.

**CORAM : R.S. MOHITE,J.**
**DATED : 06/7/2006.**

**P.C.**

1. This is an application for grant of anticipatory bail. The applicant is shown as an accused in C.R.No.I-113/2006 registered by Naupada Police Station, Thane for alleged offences under Section-409, 420, 465, 467, 468, 471, 474 read with 34 of the I.P.C.

2. The present applicant was working as Sr. Clerk in Education Department of Thane Municipal Corporation, School Board. It appears that while he was so working there were instances where fraudulent loans were shown to have been taken as against the provident fund dues. The F.I.R. which was filed by one Lata Jagannath Sanap indicates that in one case such loan is said to have been taken by Smt. Rohini Adhav who had been transferred out of Thane District.

She said to have been obtained a loan of Rs.60,000/-. The F.I.R. narrates that the present applicant who was not authorised to recommend the said loan had recommended the alleged provident fund loan. The A.P.P. points out that such loan was also taken in the name of one Pratibha Naik. The original documents pertaining to the said loan indicates that the present applicant recommended for grant of such loan. After noting of one Mrs.Shradha Gavaskar who was working as Provident Fund Clerk, on this application, the present applicant has made noting and approved loan as there was a marriage of the applicant's son (i. e. son of Mrs. Pratibha Naik). The Police have recorded the statement of Pratibha Naik and she states that she never made any such application or received any loan amount. It is argued that ultimately the loan was sanctioned by superiors to the present applicant. At this stage possibility of involvement of the said officers cannot be ruled out. It was then sought to be argued that Mrs. Gavaskar was prosecuted and acquitted and she had returned the entire defalcated amount of more than Rs.9/- lacs. The police have recorded the statement of Mrs. Gavaskar. She stated that she was made to sign the said statement by the officers and recovery by way of instalments was shown. It appears that the Municipal authorities have made no efforts

to find out as to where from she had brought the said amount. In my view, this matter requires police investigation. This is not a fit case for grant of anticipatory bail. Hence, application is rejected.

3. At this stage, the counsel appearing for the applicant seeks time to surrender. The applicant is present in the court. He is willing to file an undertaking to the effect that he will surrender within a period of 10 days from today. In the circumstances, subject to filing an undertaking in this court in the course of the day to surrender on or before 17.7.2006, the applicant shall not be arrested till 17.7.2006 subject to further condition that he should report to the Investigating Officer, EOW, Thane on 10/7/2006 and 14/7/2006 between 5.00 to 7.00p.m.

4. Application is disposed of.

**(R.S. MOHITE, J.)**

.....

**At 3.00 P.M.**

. At 3.00p.m. Undertaking is filed by the applicant, same is taken on record and marked "X" for identification. Undertaking is accepted.

**(R. S. MOHITE, J.)**